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|---|-------------|----------------------|------------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/807,018 | 03/23/2004 | Husnu M. Kalkanoglu | 116-03 | 2247 |
| 27569 | 7590 | 03/02/2007 | EXAMINER | |
| PAUL AND PAUL 2000 MARKET STREET SUITE 2900 PHILADELPHIA, PA 19103 | | | PARKER, FREDERICK JOHN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1762 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | NOTIFICATION DATE | DELIVERY MODE | |
| 3 MONTHS | | 03/02/2007 | ELECTRONIC | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/02/2007...

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@PAULANDPAUL.COM
claire@paulandpaul.com
fpanna@paulandpaul.com

Office Action Summary

Application No.

10/807,018

Applicant(s)

KALKANOGLU ET AL.

Examiner

Frederick J. Parker

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Objections

The amendments in response to the Objections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the objections.

Claim Rejections - 35 USC § 102

The amendments in response to the 35 USC 102 rejections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the rejections. The amendment specified what Applicants meant by "intermediate width", thereby necessitating the new rejection.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7,11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Koscitzky.

Koscitzky teaches making roofing shingles by applying a hot hardenable asphalt/ adhesive onto a longitudinally moving base sheet and then applying adjacent areas of colored granules onto the surface of the sheet (col. 3, 3-43). As recognized on col. 4, there are overlapping color transition zones 36 between the (three) different colored areas 26 a-c, per claims 2,4,6, as shown in figure 2

Art Unit: 1762

and taught on col. 4, 27-42. Subsequently, slots 76 are formed in the transition intermediate areas 36 between colored areas where the two blend drops are intermixed in order to form a “sharp visual demarcation between adjacent colored areas” (emphasis added) (col. 5, 4-18), the intermediate areas 36 each having a width. Col. 5, 34-38 notes the remaining region of the transition areas are not noticeable to the eye because of the slot. Figure 2 shows width differences between colored areas 26 a-c to provide varied aesthetics between colored areas.

Koscitzky teach removing overlapping transition zone, **preferably** those areas containing about 50:50 of 2 adjacent blend drops, to provide a clear line of demarcation between adjacent colored areas. Column 5, line 4+ states slots 76 “are located in all or substantially all of the transition areas 36 between adjacent colored areas, which would have been reasonably interpreted to mean cutting of a slot of any width in intermediate regions to remove it for aesthetic purposes, the reference not limiting removal of a specific width, and the term “all” meaning the entire width of the intermediate color transition region. Thus it appears that this citation anticipates the limitations of Applicants claims.

Alternatively, there is no evidence presented by Applicants that completely removing the intermediate across its width provides any mechanical or other advantage not cited by the reference. Thus it is the Examiner’s position that the reference provides the suggestion for complete removal when conditions so necessitate, and further note there is no limitation against doing so. Modifying the teachings of Koscitzky for strictly decorative or aesthetic purposes does not patentably distinguish over the prior art but rather would have simply been an obvious modification. Matters related to the choice of ornamentation producing no mechanical effect or advantage considered to constitute the invention are considered obvious and do not impart

Art Unit: 1762

patentability, In re Seid 73 USPQ 431. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Koscitzky by removing any or all of the width of the intermediate granule drop transition region as required to provide a desired ornamentation or aesthetic effect.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koscitzky in view of the Admitted prior Art (APA), pages 1-2.

Koscitzky is cited for the same reasons previously discussed, which are incorporated herein. Applying second layers to make a laminated shingle is not cited.

The APA teaches it is known to form laminated shingles from two or more layers of shingle components. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Koscitzky by forming multi-layer laminated shingles as the shingle type as disclosed by the APA prior to slotting intermediate areas to form laminated shingles with sharp visual demarcations between adjacent colored areas.

Response to Arguments

Applicants argue that by removing only a portion of the overlapping granule intermediate zones as opposed to the whole thing as does Applicants, Koscitzky “teaches the opposite of this invention”, and that the goal of Koscitzky is “the opposite of that of the Applicant”. The Examiner disagrees.

Koscitzky recognizes that the central intermediate regions between two granule depositions is visually the most visually distasteful (col. 5, 9-15; col.1, 6-9; col. 2, 15-20; col. 4,39-42), and he cuts a slot 76 to remove them. Note, however, that contrary to Applicants assertions of removing

Art Unit: 1762

the intermediate regions where the 2 adjacent blends are approximately equal is simply a **preference**. The reader is directed to column 5, line 4+, which states slots 76 “are located in **all or substantially all** of the transition areas 36 between adjacent colored areas” (emphasis added). The Examiner interprets “all” to mean the entire width. Thus Koscitzky provides two specific guidelines: 1) a sharp visual line of demarcation between adjacent colored areas (col. 4, 39-41), and 2) utilizing the cutting of slots 76 to remove undesirable and visually noticeable transition areas (col. 5, 34-37). Thus, the reader appreciates that Applicants method is simply not the opposite of the teachings of Koscitzky, but rather- at best- an obvious modification of the teachings taken as a whole. The Examiner believes that Applicants’ position that the goal of Koscitzky is “the opposite of that of the Applicant” is a mis-statement and mis-interpretation because the opposite of the goal of Koscitzky would be to not cut slots 76 at all. The reader will quickly note that this is simply not the case.

The reasons and arguments provided are non-persuasive, and the Examiner believes he has presented a prima facie case of obviousness over claims 1-11.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


Art Unit: 1762

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frederick J. Parker
Primary Examiner
Art Unit 1762

fjp